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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.4490 of 2007

PETITIONER

M.L. Gupta, S/o. Ganesh Prasad Gupta, aged about 59 years, Assistant Grade-III, Office of Additional Tahsildar Pithora, Tahsil Mahasamund, District Mahasamund (C.G.)

R/o. Ranisagar-Para, Pithora, Tahsil & District Mahasamund (C.G.)

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through - the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Mahasamund, District Mahasamund (C.G.)
3. Sub-Divisional Officer (R), Sub-Division, Mahasamund, District Mahasamund (C.G.)
4. Gouri Shankar Pradhan, Assistant Grade-III, Tahsil Office Basna, District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Raghvendra Pradhan, Counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the respondents on advance copy.

ORAL ORDER
(03.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working on the post of Assistant Grade-III in Revenue Up Tahsil Karyalaya, Pithora, has been transferred from Pithora to Tahsil Karyalaya, Basna by order dated 20.7.2007 on administrative grounds.

Learned counsel for the petitioner submits that the petitioner is a victim of frequent transfer. He also submits that on

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21.6.2006, the petitioner was brought to Mahasamund from Patewa (Annexure-P/3). Thereafter, within very short span, on 19.10.2006, he was transferred from Mahasamund to Pithora (Annexure-P/4) and then again by impugned order dated 20.7.2007, he has been transferred from Pithora to Basna. Apart from the said ground, he also argues that as mentioned in Annexure-P/2, the date of birth of the petitioner is 19.6.1948, according to which, he is to retire in the month of August, 2008, therefore, slightly higher than one year period is left for retirement of the petitioner. According to the policy dated 13th June, 2007 (Annexure-P/5), if one year period is left for retirement, the person has to be posted in his home District or his posting has to be made on his option, if general book circular permits.

Having heard learned counsel for* the petitioner and counsel for the State, having considered the facts and circumstances of the case, in the opinion of this Court, the ends of justice would be served if a direction is given to the petitioner to file a representation before the concerned authority and the authority is directed to dispose of the same in accordance with law.

Accordingly, this petition is disposed of with a direction to the petitioner that if so advised, he may file a detailed representation before the concerned authority within a period of 15 days from today alongwith a copy of this order and a copy of the writ petition and if such a representation is filed, the same shall be disposed of as early as possible preferably within a period of two months from the date of receipt of the said representation in accordance with law. It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting and shall be allowed to continue there till then.

With the aforesaid observations, the petition stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge